

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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For : METHOD FOR MEASURING A SURFACE  
PLASMON RESONANCE AND NOBLE METAL  
COMPOUND USED FOR THE SAME

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FIFTH INFORMATION DISCLOSURE STATEMENT**

Sir:

This Information Disclosure Statement is submitted to supplement the Fourth Information Disclosure Statement filed on February 3, 2009. At the outset, it is noted that the Fourth Information Disclosure Statement incorrectly checked the certification statement appropriate for 37 CFR 1.97(a)(1). In fact, no certification statement is required pursuant to 37 CFR 1.97(b)(3) and that previous certification statement is withdrawn.

The Fourth Information Disclosure Statement made reference to a related Russian Patent Appl. No. 2006-116577 and provided a copy of the Russian reference cited in an office action from the Russian Patent Office along with the English language equivalent of the Russian reference cited in the office action issued by the Russian Patent Office. This

Fifth Information Disclosure Statement now includes a copy of the office action from the Russian Patent Office along with a complete English language translation of the office action from the Russian Patent Office. The translation of the Russian office action explains the relevancy of RU 2 141 645 (equivalent of US 6,628,376) and WO 03/053932 as perceived by the Russian Examiner. This Russian office action may help the U.S. Examiner assess the relevancy of these previously submitted references.

The Fourth Information Disclosure Statement also referred to the assignee's PCT/JP2004/002048 and cited references from the International Search Report for PCT/JP2004/002048. This Information Disclosure Statement now includes a copy of the International Preliminary Report on Patentability for the related PCT/JP2004/002048. The references cited in the attached International Preliminary Report on Patentability have been made of record already in this application. However, the comments and conclusions in the attached International Preliminary Report on Patentability may be helpful to the U.S. Examiner.

The Fourth Information Disclosure Statement also mentioned the assignee's related European Patent Appl. No. 04004112.1. This Information Disclosure Statement now includes a copy of the Search Report for the related European Appl. No. 04004112.1. All of the references cited in the attached European Search Report have already been made of record in the above-captioned U.S. application. However, the comments as to the relevancy of these references presented on the European Search Report may be helpful to the U.S. Examiner.

The Fourth Information Disclosure Statement mentioned the assignee's U.S. Patent No. 7,202,093. That patent issued from Appl. No. 10/784,576. This Information

Disclosure Statement includes copies of two office actions that were issued during the prosecution of U.S. Patent Appl. No. 10/784,576. The references cited in these two office actions previously were made of record in the above-captioned application. Nevertheless, the comments of the Examiner in these office actions may be helpful to the Examiner during the prosecution of the above-identified U.S. application.

The Examiner will note that this Information Disclosure Statement is being filed before the mailing of the first office action on the merits of the above-captioned application. Hence, this Information Disclosure Statement and all prior Information Disclosure Statements are covered by 37 CFR 1.97(b)(3). Accordingly, the certification statement required by 37 CFR 1.97(e) is not required.

The Examiner is requested to consider all of the information that has been submitted by the assignee of the subject invention during the prosecution of the claims of this application. Early and favorable action on those claims is solicited.

Respectfully submitted,



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